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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss. SUPERIOR COURT DEPARTMENT

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) CIVIL ACTION  
HEATH and TARA CAREY, Individually ) NO. 02-4171  
and as Administrator and )  
Administratrix of the Estates of )  
VIOLET and IRIS CAREY, )  
Plaintiffs, )  
vs. )  
NSTAR GAS COMPANY, INNER-TITE )  
CORP. and LEONARD and ANNE-MARIE )  
PEARSON, ) Volume I  
Defendants. ) Pages 1 - 54  
) Exhibits: 1

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DEPOSITION OF RICHARD GRAY  
conducted at Swartz & Swartz  
10 Marshall Street, Boston, Massachusetts  
on Wednesday, November 26, 2003  
commencing at 10:19 AM  
  
EXHIBIT "B"  
before  
Lawrence A. Brown, CSR, RPR and Notary Public

1 MR. JOHNSON: I'm going to object. I  
2 think he testified about --

3 MR. SWARTZ: mm-mm.

4 MR. JOHNSON: All right.

5 MR. SWARTZ: Well, what do you want to  
6 say? You want to testify?

7 MR. JOHNSON: No. I want to clarify what  
8 he said earlier. I think he testified --

9 MR. SWARTZ: Tell me what you think he  
10 said.

11 MR. JOHNSON: -- he would check all the  
12 piping.

13 MR. SWARTZ: Oh, he did. All right. So  
14 I'll just make sure. Maybe it was just a  
15 misunderstanding.

16 Q You checked the transition fittings on the  
17 occasion of your four visits to 65 Main Street,  
18 Hopkinton, did you not?

19 A Yes.

20 Q And did you notice that -- the rusty  
21 condition that was -- appeared on Plaintiff's  
22 Exhibit 1? Was it -- Did you notice that?

23 A Yes.

24 Q And did you notify your supervisor about

1 that?

2 A Yes.

3 Q Okay.

4 (Pause.)

5 Q On each occasion?

6 A No.

7 Q Did you notify -- Okay. How many times  
8 did you notify your supervisor?

9 A Once.

10 Q And that was before 24 July 2002, wasn't  
11 it?

12 A Yes.

13 Q And what occasion was that?

14 A I'm not sure of the date, but it was the  
15 first day -- the first meter change I performed.

16 Q Yeah.

17 (Counsel conferred.)

18 MR. SWARTZ: First meter change. I got it  
19 right here.

20 MR. JOHNSON: February 22nd.

21 Q Let me just show you. The first meter  
22 change was -- would be 2/22/02. Is that --

23 A February, yes.

24 Q Huh?

1       A    February.

2       Q    Yes.  And that was a seven-year meter  
3 change?

4       A    Correct.

5       Q    Just for clarity's sake, the transition  
6 fitting, you have downstream and upstream.  What  
7 is the difference?  You have the interior  
8 fitting, the exterior fitting, and it falls into  
9 different categories as far as responsibility  
10 goes, doesn't it, as to who's responsible for  
11 what -- For example I'm asking you if you have --  
12 the difference between the street men and the  
13 servicemen for example.  Is there such a  
14 difference?

15           MR. JOHNSON:  Objection to the form.

16           MR. SWARTZ:  I understand.

17           MR. JOHNSON:  Go ahead.

18       Q    Go ahead.

19       A    There's a difference in who performs the  
20 work on certain parts of the gas service.

21       Q    And --

22       A    Different departments.

23       Q    And when you called your -- your  
24 supervisor, Mr. Gray, on the occasion that you

1 talked about exchanging a meter, about the rusty  
2 transition fitting, what did you tell him?

3 A I specifically not only -- I called  
4 because I was concerned about the condition of  
5 the gas piping.

6 Q Mm-hmm.

7 A And what did I --

8 Q What did you tell him?

9 A What did I tell him. I had a concern  
10 about the rust on the piping on the gas service  
11 entering the building.

12 Q And what did he say to you?

13 A He responded to the -- my call and I  
14 showed my concern to him, which was the rusted --  
15 surface rust or -- on the piping. And he  
16 notified -- he told me that the gas piping that  
17 entered the house was inserted with a plastic  
18 sleeve and that the -- the surface -- it was just  
19 surface rust on the gas steel piping itself on  
20 the outer sleeve and that I was cleared to do --  
21 to do my work by him.

22 Q And you followed that ruling -- that  
23 opinion on every other visit?

24 MR. VOKE: Objection.

1 A -- to Scott Alexander?

2 Q The rust, yeah.

3 A I'm not aware of anybody --

4 Q Okay.

5 A -- no.

6 (Counsel conferred.)

7 Q Did Alexander himself do any inspection?

8 A Yes.

9 Q What occasion?

10 A On what occasion?

11 Q Yeah.

12 A The February 22nd date.

13 Q After you made the report?

14 A After I notified --

15 Q Yeah.

16 A -- distribution.

17 Q Were you there when that inspection was  
18 made?

19 A I was present when Scott Alexander was  
20 there, yes.

21 Q And what date was that on?

22 A I believe it was the February -- the first  
23 time I was there for the meter change.

24 Q So when you called it in he came right out

1 to take a look with you?

2 A He came out. He responded to my call,  
3 yes.

4 Q And did he use any equipment on examining  
5 the rusty part?

6 A He used a combustible gas indicator to  
7 check for any leak present.

8 Q Mm-hmm. Basically you don't change any  
9 parts, as long as you've been with the company,  
10 unless you smell gas. Isn't that true?

11 MR. JOHNSON: Objection.

12 A Basically we don't change any parts unless  
13 we smell gas?

14 Q Yeah.

15 A That's not necessarily true, no. If we  
16 find a -- a part that is -- physically looks --  
17 If you have to change the meter fitting --

18 Q Mm-hmm.

19 A -- if you're changing the meter and the  
20 fittings don't fit, sometimes when you --

21 Q Yeah, I --

22 A -- change a meter they don't fit back  
23 right again, you have to change some of the  
24 fittings.

1 recalls, he said.

2 MR. CUMMINGS: No further questions.

3 Thank you.

4

5 REDIRECT EXAMINATION BY MR. SWARTZ:

6 Q Just a few questions.

7 When Mr. Alexander came out on the  
8 occasion of the first meter change that you've  
9 discussed with us you were there the whole time  
0 he was there, were you not?

1 A I was present --

2 Q Yeah.

3 A -- yes.

Q And how long was he at the location?

(Pause.)

Q Approximately.

A Approximately?

Q Yeah.

A I don't recall. Approximately 15 minutes.

Q And in the 15 minutes tell us everything  
you observed that he did to check conditions.

A Everything that I recall that he did was  
he entered the building with me, the basement,  
and we physically walked up to the gas service,

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1 transition fitting, the gas equipment, piping,  
2 and physically looked at the piping.

3 And I reported to him that I had tested  
4 all the piping; I found no leaks, but I was  
5 concerned about the -- just the surface rust on  
6 the pipe, and I wanted his opinion.

7 The condition of the pipe, he notified to  
8 me that the pipe -- the gas service was inserted  
9 with a plastic sleeve and that -- that I was  
10 cleared to do my work.

11 Q What did he physically do other than  
12 talk --

13 A Ah --

14 Q -- if anything?

15 A He physical -- He reported to me that the  
16 service had been inserted -- told me that his  
17 records -- checked the records and that the  
18 service was inserted, and he -- we -- I don't  
19 recall anything after that. I reported to him  
20 that I had checked the service with the CGI  
21 tester and I had no readings.

22 Q So in the 15 minutes he was there he  
23 didn't physically do anything other than talk to  
24 you?